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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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GENA GOLDEN and SUSAN GOLDEN,  Plaintiff,	<b>ANSWER TO AMENDED COMPLAINT</b>
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v.

MENTOR CAPITAL, INC., a Delaware  
corporation; LABERTEW & ASSOCIATES,  
LLC, a Utah limited liability company, and  
MICHAEL L. LABERTEW,

Defendants

Case No: 2:15-CV-00176-TC

Judge Tena Campbell

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**FIRST DEFENSE**

Defendants Michael L. Labertew and Labertew & Associates, LLC (“Defendants”) answer Plaintiffs’ Amended Complaint and each of its numbered paragraphs as follows:

1. Defendants are without sufficient information or knowledge to admit or deny the allegations in this paragraph, and therefore deny the same.
2. Admit.
3. Admit.

4. Admit that Michael Labertew is a representative of Labertew & Associates, LLC, and lives in Summit County, Utah, but otherwise deny the allegations in this paragraph.

5. Deny.

6. Deny.

7. These allegations do not pertain to Defendants, and therefore they deny the same.

8. Defendants are without sufficient information or knowledge to admit or deny the allegations in this paragraph, and therefore deny the same.

9. Defendants are without sufficient information or knowledge to admit or deny the allegations in this paragraph, and therefore deny the same.

10. Defendants are without sufficient information or knowledge to admit or deny the allegations in this paragraph, and therefore deny the same.

11. Deny.

12. Deny.

13. Deny.

14. Deny.

15. Defendants deny the remainder of the allegations contained in Plaintiffs' Amended Complaint, either because such allegations are false, such allegations do not pertain to the Defendants, or Defendants are without sufficient information or knowledge to admit or deny the allegations in this paragraph, and therefore deny the same.

### **SECOND DEFENSE**

Plaintiffs' claims are barred by the doctrines of laches, estoppel, and waiver, as set forth in Rule 8, Federal Rules of Civil Procedure, which are incorporated by this reference.

**THIRD DEFENSE**

Plaintiffs' claims are barred by the doctrine of lack of privity of contract.

**FOURTH DEFENSE**

Plaintiff's claims are barred by Plaintiffs' failure to mitigate their damages.

**FIFTH DEFENSE**

Plaintiffs' claims are barred by the documents upon which Plaintiffs' claims are based.

**SIXTH DEFENSE**

Defendants reserve the right to amend their reply to Plaintiffs' Amended Complaint and add additional affirmative defenses, if necessary.

WHEREFORE, Defendants pray that Plaintiffs' Amended Complaint be dismissed, that Plaintiffs take nothing thereby, and that Defendants be awarded their costs and attorneys' fees incurred in defending this action.

DATED this 1<sup>st</sup> day of May, 2015.

/s/ Michael L. Labertew \_\_\_\_\_  
Michael L. Labertew  
Attorney Pro Se  
and for Labertew & Associates, LLC

**CERTIFICATE OF SERVICE**

I certify that on the 1<sup>st</sup> day of May, 2015, I caused a true and correct copy of **ANSWER TO AMENDED COMPLAINT** to be mailed to the following, postage prepaid, and that on the 5<sup>th</sup> day of May, a copy of such pleading was filed with CM/ECF, resulting in the following receiving electronic service of the same:

Sean N. Egan  
215 State Street, Suite 950  
Salt Lake City, Utah 84111

/s/ Michael L. Labertew  
Michael L. Labertew